



UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

JUN - 3 2002

JAY F MOLDOVANYI
FAY SHARPE FAGAN MINNICH & MCKEE LLP
1100 SUPERIOR AVENUE 7TH FLOOR
CLEVELAND OH 44114-2518

#6

In re Application of :
Gavin Paul Vinson et al. :
Serial No.: 09/540,816 : PETITION DECISION
Filed: March 31, 2000 :
Attorney Docket No.: BKY 2 0040-1-1 :

This is in response to applicants' petition under 37 CFR 1.181, filed February 21, 2002 (Certificate of mailing date February 15, 2002), to withdraw the abandonment of the above identified application based on timely filing of a reply.

A review of the file history shows that the examiner mailed an Office action to applicants on June 25, 2001, setting a one month shortened statutory period for reply. Applicants replied on July 24, 2001 (Certificate of mailing date). Upon failure to receive the reply a Notice of abandonment was mailed to applicants on January 29, 2002. Applicants provide an Office date stamped postcard indicating the reply was received by the Office on July 26, 2001. In view of the evidence, applicants are considered to have timely replied to the Office action. The Notice of Abandonment was mailed in error and is hereby withdrawn and the application restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7230.


Bruce M. Kisliuk
Director, Technology Center 1600